

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, : 07 Civ. 8594 (JGK) (MHD)

v. : ECF Case

AGNES F. NOLAN, in her personal :
capacity, and AGNES F. NOLAN, as : **NOTICE OF MOTION**
personal representative for the estate of : **OF DEFENDANTS**
RICHARD E. NOLAN, deceased, :

Defendants. :

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NOTICE OF MOTION OF DEFENDANTS

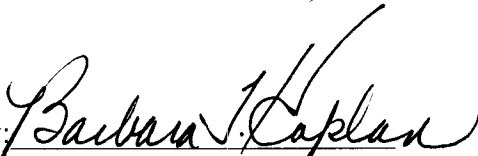
PLEASE TAKE NOTICE that upon the accompanying memorandum of law, the declaration of David Bunning, and the exhibits annexed thereto, and upon all prior pleadings and proceedings in this action, defendants Agnes F. Nolan, in her personal capacity, and Agnes F. Nolan, as personal representative for the estate of Richard E. Nolan, deceased, will move this Court before the Honorable John G. Koeltl at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order pursuant to Rules 4(m) and 12(b)(5) of the Federal Rules of Civil Procedure, the Federal Rules of Civil Procedure, and the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, dismissing

the action on the ground that defendants were served more than 120 days after the action was commenced.

Dated: New York, New York
April 29, 2008

Respectfully submitted,

GREENBERG TRAURIG, LLP

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